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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 **JULIO MAYEN**

13 Plaintiff,
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15 vs.

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17 **BANK OF AMERICA, N.A., and**
18 **RECONTRUST COMPANY, N.A.**
19

20 Defendants,
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Case no. 13-cv-2080-MMA-BGS

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
RECONSIDERATION**

JURY TRIAL DEMANDED

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24 **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF**
25 **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR**
26 **RECONSIDERATION**
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1 Pursuant to Federal Rule of Evidence 201 of the Federal Rules of Evidence, Plaintiff
2 Julio Mayen request that the Court take judicial notice of the following facts and
3 evidence.
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6 1. Under Rule 201, facts that are appropriate for judicial notice are those that
7 “are not subject to reasonable dispute in that it is either (1) generally known within
8 the territorial jurisdiction of the trial court or (2) capable of accurate and ready
9 determination by resort to sources whose accuracy cannot reasonably be
10 questioned.” Fed. R. Evid. 201(b). Facts subject to judicial notice may be
11 considered on motion to reconsider. A court shall take judicial notice if requested
12 by a party and supplied with the “necessary information.” FRE 201(d).
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18 Judicial Notice is appropriate for information obtained from governmental websites.
19 See *Cota v. Maxwell-Jolly*, 688 F. Supp. 2d 980, 998 (N.D. Cal. 2010), Paralyzed
20 Veterans of Am. v. McPherson, 2008 U.S. Dist. LEXIS 69542, 17-18 (court took
21 judicial notice if information appearing on and printed from official government
22 website.
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24 2. As set forth herein, the following documents requested to be judicially
25 noticed are not subject to reasonable dispute, in that they are “capable of accurate
26 and ready determination by resort to capable sources whose accuracy cannot be
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1 reasonably questioned, within the meaning of Fed. R. Evid. 201(b), *see Wietschner*
2 *v. Monterey Pasta Co.*, 294 F. Supp. 2d 1102, 1108 (N.D. Cal 2003)(taking judicial
3 notice of a press release issued by the Securities and Exchange Commission).
4
5 “judicial notice is appropriate for SEC filings, press releases ,and accounting rules
6 as they are ‘capable of accurate and ready determination by resort to sources whose
7 accuracy cannot be reasonably questioned.’” *In re Network Assocs. Sec. Litig.*, 2003
8 U.S. Dist. LEXIS 14442, *2 n.3 (N.D. Cal. Mar. 25, 2003) (citing Fed. R.
9 Evid. 201(b)). These documents are matters of public record and therefore are
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11 judicially noticeable.
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13 namely:

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15 a. the records of the Security Exchange Commissions official internet website
16 search engine commonly known as “EDGAR” located at:

17 <http://edgar.sec.gov/search/search.htm> in general and more specifically for
18
19 the instant consideration:

20 <http://www.secinfo.com/drjtj.z2C3.d.htm#3to>
21

22 This link one can locate the Form 15D reflected in Plaintiff’s Motion for
23 Reconsideration as Exhibit 7. The Court can further see from the SEC site above
24 showing the public records in the 424B5 prospectus that the named entity that is
25 Master Servicer under the P&SA associated with Defendant’s Exhibit B is
26 Countrywide Home Loans Servicing, LP as of January 30, 2005.
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b. the records of FEDERAL RESERVE SYSTEM'S repository of data compiled by its NATIONAL INFORMATION CENTER, (hereafter: NIC) where link repository provides at its live:

http://www.ffiec.gov/nicpubweb/nicweb/InstitutionHistory.aspx?parID_RSSD=3035311&parDT_END=20110630

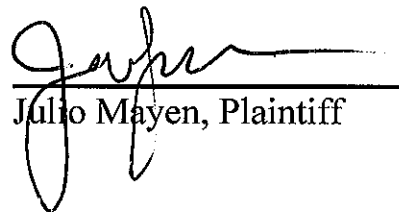
The Federal Reserve Systems NIC site link above shows that the Master Servicer was renamed on April 27, 2009 when the official name of said entity became: BAC Home Loans Servicing, LP. **The above website is common knowledge of those in the industry.** Below is a copy from the website confirming the above statement.

Event	Historical Event
2001-05-18	COUNTRYWIDE HOME LOANS SERVICING LP located at PLANO, TX was established as a Domestic Entity Other.
2009-04-27	COUNTRYWIDE HOME LOANS SERVICING LP was renamed to BAC HOME LOANS SERVICING, LP.
2011-07-01	BAC HOME LOANS SERVICING, LP was acquired by BANK OF AMERICA, NATIONAL ASSOCIATION.

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2 1. A true and correct copy of page 1 of 286 pages of the 424B5
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4 Prospectus of the **CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-7,**
5 **Mortgage Pass-Through Certificates, Series 2005-7**, the very same trust as
6 identified in Defendant's Exhibit B identified as **ASSIGNMENT OF DEED OF**
7 **TRUST** executed 6/6/2011 and recorded on June 13, 2011 in said public repository,
8 the Office of the San Diego County Recorder identified by DOC # 2011-0300032.
9 Said page 1 of 286 pages of the 424B5 Prospectus is attached hereto as Plaintiff's
10
11 **Exhibit 8.**

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13 2. A true and correct copy of the Institutional History of BAC HOME
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15 LOANS SERVICING, LP taken from said website of the Federal Reserve Systems
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17 NIC is attached hereto as Plaintiff's **Exhibit 6.**

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19 Date: February 5, 2014

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Julio Mayen, Plaintiff